

STATE OF WISCONSIN  
LIVESTOCK FACILITY SITING REVIEW BOARD  
2811 Agriculture Drive, P.O. Box 8911  
Madison, Wisconsin 53708-8911

KIM BONNEVILLE, STEVE BONNEVILLE, PAT BRIEN, JAMES GARDNER, ROBERT HILL, JEANNE KIELMAN, DOUGLAS KRIEHN, JUDY RAUCH, and DEBRA WOLF, Aggrieved Persons

v.

SHAWANO COUNTY, Political Subdivision

DOCKET NO. 17-LFSRB-01  
DECISION OF THE BOARD

BEFORE the Wisconsin Livestock Facility Siting Review Board:

Bob Topel, Chair; Dr. Jerome Gaska, DVM, Vice Chair; Robert Selk, Secretary;  
Raymond Diederich, Lee Engelbrecht, Scott Godfrey, Scott Sand

PROCEDURAL HISTORY

Kim Bonneville, Steve Bonneville, Pat Brien, James Gardner, Robert Hill, Jeanne Kielman, Douglas Kriehn, Judy Rauch, and Debra Wolf, collectively referred to in this decision as “Aggrieved Persons”, filed a Request for Review, against the political subdivision Town of Almon (“Town”), with the Wisconsin Livestock Facility Siting Board (“LFSRB”) on August 8, 2017, through their attorney, Kurt Sutheimer. In the Request for Review, the Aggrieved Persons alleged that the Town exceeded its authority under s. 93.90(3), Stats., in failing to give proper notice for a Town meeting on giving a recommendation to Shawano County (“County”) as to whether a conditional use permit (CUP) should be granted to Matsche Farms Inc. (“Applicant”), a livestock farm requesting the CUP for an expansion of its facility. In addition, the Aggrieved Persons also alleged that, given that they had discovered correspondence between the Applicant and the Wisconsin Department of Natural Resources (“DNR”) involving DNR findings that the Applicant had discharged pollutants to wetlands and the North Branch of the Embarrass River from its feed storage area and greenhouse calf barn. Therefore, no CUP should have been granted to the Applicant, as a violation of Wis. Stat. § 93.90.

On August 10, 2017, LFSRB staff confirmed that the County had issued a decision, granting a CUP to the Applicant. LFSRB Attorney Cheryl Daniels spoke with the Aggrieved Persons’ attorney, to let him know that the

appeal needed to be filed against the County, as it was the local political subdivision, pursuant to Wis. Stat. § 93.90(4), that issued the CUP to the Applicant.

On August 11, 2017, subsequently substituted with a final document on August 18, 2017, the Aggrieved Parties filed a Request for Review, against Shawano County, through their attorney, Kurt Sutheimer. In the Request for Review, the Aggrieved Persons alleged that the Town of Almon had violated the US Constitution and Wisconsin Statutes in failing to give proper notice for a Town meeting on giving a recommendation to the County as to whether a conditional use permit (CUP) should be granted to the Applicant. In addition, the Aggrieved Persons also alleged that, given that they had discovered correspondence between the Applicant and the DNR involving findings that the Applicant had discharged pollutants, no CUP should have been granted to the Applicant, as a violation of Wis. Stat. § 93.90. In addition, the Aggrieved Persons stated that the imposition of at least five (5) of the eight (8) conditions, attached to the CUP granted by the County to the Applicant, were “a plan for a plan” not contemplated as allowed under Wis. Stat. § 93.90.

On August 18, 2017, pursuant to authority of the LFSRB and its bylaws, LFSRB Attorney Cheryl Furstace Daniels sent a Notice of Request for Review and a Request for Certified Copy of Decision-Making Record, with the Aggrieved Persons’ Request for Review and Statement of Position, to the County and Applicant. These documents set September 22, 2017, as the date for the certified copy of the record and all position statements to be e-mailed or postmarked to the LFSRB.

On August 22, 2017, LFSRB Attorney sent out a news release to thirty-one (31) news outlets that cover the area where the Applicant’s facility is located or are statewide news outlets covering the agricultural subject matter under review. This was to give notice, per the LFSRB bylaws, to all potential aggrieved persons, as defined in Wis. Stat. § 93.90(5) (a), that they could file a statement of position on this particular review.

On September 20, 2017, the LFSRB received the County’s Certified Decision-Making Record. On September 22, 2017, the LFSRB received Statements of Position from the Applicant and two Aggrieved Persons, Leslie Hill and Kelly Brien.

On October 20, 2017, the LFSRB held a meeting, properly noticed under the Wisconsin Open Meetings Law, to review the appeal in *Bonneville, et. al., v. Shawano County*, Docket No. 17-LFSRB-01. The LFSRB decided it had no reason to go into closed session to make its decision and, therefore, held the discussion of the entire matter in open session.

Therefore, based upon the record in the matter, including the certified record submitted by the County and the submitted statements of position, the LFSRB issues the following decision.

#### ISSUES FOR DECISION

1. Does Shawano County's Livestock Waste Management Ordinance, requiring an applicant for a livestock siting CUP to also obtain a Livestock Waste Management Permit, comport with the requirements of Wis. Stat. § 93.90(3)?
2. Did Shawano County follow its own ordinance and requirements in Wis. Stat. § 93.90, when it issued its decision granting the CUP to the applicant?
3. May Shawano County, as the decision-making authority in this case, receive a recommendation from the Town of Almon on whether to grant Applicant's conditional use permit?
4. Does the LFSRB have the authority to review the Town of Almon's procedures in making its recommendations to Shawano County?
5. Pursuant to Wis. Stat. § 93.90(4) (d) and Wis. Admin. Code § ATPC 51.34, is there sufficient evidence in the record to find by clear and convincing information or documentation that the applicant cannot meet the runoff management standard in Wis. Admin. Code § ATPC 51.20, and that therefore the county's issuance of the CUP cannot be sustained by the LFSRB? Was the information presented by the Aggrieved Persons, at the County's public hearing, concerning a DNR determination of a violation of the Applicant's WPDES / CAFO permit due to a discharge, so that the facility could not have met the runoff management standard in ATPC 51, enough to find that the County's issuance of the CUP may not be sustained by the LFSRB?
6. Are each of the conditions in the CUP limited to ensuring compliance with state standards and authorized by Wis. Stat. § 93.90(3) and Wis. Admin. Code § ATPC 51.34(4)? Do each of the conditions, placed on the Applicant's CUP by the County, meet the state standards, pursuant to Wis. Stat. § 93.90(2) (a), and are authorized by Wis. Stat. § 93.90(3)?

#### RELEVANT STATUTES AND RULES

##### **S. 93.90 Livestock facility siting and expansion.**

(2) DEPARTMENT DUTIES. (a) For the purposes of this section, the department shall promulgate rules specifying standards for siting and expanding livestock facilities. . .

##### **(3) POLITICAL SUBDIVISION AUTHORITY.**

(ae) A political subdivision that requires a special exception or conditional use permit for the siting or expansion of any of the following livestock facilities shall require compliance with the applicable state standards under sub. (2) (a) as a condition of issuing the special exception or conditional use permit:

1. A new or expanded livestock facility that will have 500 or more animal units.

## **(5) REVIEW OF SITING DECISIONS.**

(a) In this subsection “aggrieved person” means a person who applied to a political subdivision for approval of a livestock facility siting or expansion, a person who lives within 2 miles of a livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.

(b) An aggrieved person may challenge the decision of a political subdivision on an application for approval on the grounds that the political subdivision incorrectly applied the state standards under sub. (2)(a) that are applicable to the livestock facility siting or expansion or violated sub. (3), by requesting the board to review the decision. . .

(bm) Upon receiving a request under par. (b), the board shall notify the political subdivision of the request. The political subdivision shall provide a certified copy of the record under sub. (4) to the board within 30 days after the day on which it receives the notice.

(c) Upon receiving the certified copy of the record under par. (bm), the board shall determine whether the challenge is valid. The board shall make its decision without deference to the decision of the political subdivision and shall base its decision only on the evidence in the record under sub. (4) (b). . . The board shall make its decision within 60 days after the day on which it receives the certified copy of the record under par. (bm), except that the board may extend this time limit for good cause specified in writing by the board.

(d) If the board determines that a challenge is valid, the board shall reverse the decision of the political subdivision. The decision of the board is binding on the political subdivision, subject to par. (e). If a political subdivision fails to comply with a decision of the board that has not been appealed under par. (e), an aggrieved person may bring an action to enforce the decision.

## **Chapter ATCP 51 LIVESTOCK FACILITY SITING**

### **ATCP 51.18 Waste storage facilities. (1) DESIGN, CONSTRUCTION AND MAINTENANCE; GENERAL.**

All waste storage facilities for a livestock facility shall be designed, constructed and maintained to minimize the risk of structural failure, and to minimize the potential for waste discharge to surface water or groundwater. A waste storage facility may not lack structural integrity or have significant leakage. An unlined earthen waste storage facility may not be located on a site that is susceptible to groundwater contamination.

**(3) NEW OR SUBSTANTIALLY ALTERED FACILITIES.** For purposes of local approval, a new or substantially altered waste storage facility is presumed to comply with sub. (1) if all of the following apply:

- (a) The application for local approval includes design specifications for the new facility.

**ATCP 51.20 Runoff management. (3) FEED STORAGE.** (a) Feed storage shall be managed to prevent any significant discharge of leachate or polluted runoff from stored feed to waters of the state.

**ATCP 51.30 Application. (1) GENERAL.** If local approval is required for a new or expanded livestock facility, a person seeking local approval shall complete and file with the political subdivision the application form shown in *Appendix A*. The application shall include all of the information required by *Appendix A* and attached *worksheets*, including any authorized modifications made by the political subdivision under sub. (2). The information contained in the application shall be credible and internally consistent.

**(5) COMPLETE APPLICATION.** Within 45 days after a political subdivision receives an application under sub. (1), the political subdivision shall notify the applicant whether the application contains everything required under subs. (1) to (4). If the application is not complete, the notice shall specifically describe what else is needed. Within 14 days after the applicant has provided everything required under subs. (1) to (4), the political subdivision shall notify the applicant that the application is complete. A notice of completeness does not constitute an approval of the proposed livestock facility.

**ATCP 51.34 Granting or denying an application. (1) GRANTING AN APPLICATION.** Except as provided in sub. (2), a political subdivision shall grant an application under s. ATCP 51.30(1) if all of the following apply:

(a) The application complies with s. ATCP 51.30.

(b) The application contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets or is exempt from the standards in subch. II. To the extent that a standard under subch. II vests discretion in a political subdivision, the political subdivision may exercise that discretion.

**(3) WRITTEN DECISION.** (a) A political subdivision shall issue its decision under sub. (1) or (2) in writing. The decision shall be based on written findings of fact included in the decision. The findings of fact shall be supported by evidence in the record under s. ATCP 51.36. Findings may be based on presumptions created by this chapter.

**(4) TERMS OF APPROVAL.** An approval under sub. (1) is conditioned on the operator's compliance with subch. II and representations made in the application for approval. This chapter does not limit a political subdivision's authority to do any of the following:

(a) Monitor compliance.

(b) Withdraw an approval, or seek other redress provided by law, if any of the following apply:

1. The operator materially misrepresented relevant information in the application for local approval.
2. The operator, without authorization from the political subdivision, fails to honor relevant commitments made in the application for local approval. A political subdivision may not withhold authorization, under this subdivision, for reasonable changes that maintain compliance with the standards in subch. II.
3. The livestock facility fails to comply with applicable standards in subch. II.

## FINDINGS OF FACT

1. On October 25, 2006, Shawano County adopted a Livestock Waste Management Ordinance (“LWMO”), currently including both livestock facility and/or waste storage facility permitting in the ordinance.<sup>1</sup> The relevant portions of this ordinance, for a livestock facility siting permit are as follows:
  - a. The Shawano County Conservationist or his/her designee has permit issuance authority (LWMO, Section 3.0).
  - b. After a livestock facility application for a CUP is submitted, the County has 45 days to determine if the application is complete. (LWMO, Section 3.6 C. 1.)
  - c. Within 14 days after the County notifies an applicant that the application is complete, the County shall notify adjacent landowners of the application. The County shall use the approved notice form in ATCP 51, and mail a written notice to each adjacent landowner. (LWMO, Section 3.6 C. 2.)
  - d. The Land Conservation Department is required to hold a public hearing on the livestock facility siting application within 90 days of issuing the notice that an application is complete. (LWMO, Section 3.6 D.)
  - e. The County shall grant or deny an application within 90 days after the notice of a complete application is provided. (LWMO, Section C. 3.)
  - f. In issuing a permit, the County must only include conditions related to the standards in the ordinance “No conditions may be imposed on permit other than standards provided in ordinance.” (LWMO, Section 3.6 E)
  - g. The County’s decision shall be in writing and based on written findings of fact supported by the evidence. (LWMO, Section 3.6 F.)
  - h. Appeals of any decision shall be before the Shawano County Land Conservation Committee (“LCC”) (LWMO, Section 8.0)
  - i. In addition, the ordinance provides that an owner/operator may obtain a “5 Year Long Range Plan Approval” from the LCC without a public hearing (LWMO 3.3). **(Certified Record pgs 356-373)**
2. On June 27, 2017, the Applicant filed an application for local approval for an expansion of its livestock facility to a 13,000 animal unit facility. **(Certified Record pgs. 4-296)**
3. On June 30, 2017, the County’s Land Conservation Department issued a determination that Applicant’s application was complete under s. 93.90(4) (a), Stats. **(Certified Record pg. 289)**
4. On July 5, 2017, County staff sent a memo to the Town, requesting the Town hold a meeting to determine if the Town would recommend granting a conditional use permit (CUP) to the Applicant for the expansion of a livestock facility to 13000 animal units. The request included a list of adjacent property owners and asked the Town to notify them of the meeting. The request included a form for the Town to fill out as to the outcome of the meeting. According to the memo, the Town’s recommendation on the form would be read into the record of a County public hearing, which would be scheduled for July 13, 2017. **(Certified Record pgs. 297-298)**
5. On July 5, 2017, County Conservationist Scott Frank issued a report that included Findings, Conclusions and Recommendations to approve LWM-CUP-3-17 with conditions for Applicant. **(Certified Record pgs. 320-337)**

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<sup>1</sup> Though beyond the scope of its review, the board discussed its concerns that the county did not properly adopt its ordinance to exercise conditional use permitting.

6. On July 6, 2017, the County noticed an LCC public hearing and meeting to be held on July 13, 2017, that would including the following:

“Discuss, Review and take possible action on public hearing request as follows:

a. Livestock Waste Management Conditional Use 3-17: Scott Matsche, agent for owner(s) James E Matsche Irrevocable Trust and Matsche Farms Inc, requests a Livestock Waste Management Conditional Use Permit (Category III) to expand an existing livestock facility beyond the approved animal unit threshold in their most current Conditional Use Permit AWM-CUP-1-15 (currently 9,280 animal units and expanding to 13,000 animal units) on parcels in Section 7 in the Town of Almon. Site address: W16550 County Rd N, Birnamwood, WI 54414.”

**(Certified Record pgs. 300-303)**

7. On July 10, 2017, the Town held a meeting and made a recommendation for the County to approve the CUP for the Applicant. **(Certified Record pgs. 340-343)**

8. On July 13, 2017, the County LCC held a public hearing on LWM-CUP-3-17 for Applicant. At that hearing, the Attorney for the Aggrieved Persons brought forward documents concerning Applicant’s violations of its current DNR-granted WPDES permit and requested the LCC postpone any decision for the allowed 90 days. **(Certified Record pgs. 304-319, 344-45)**

9. At the July 13, 2017, County LCC meeting following the public hearing, the LCC approved by acclamation LWM-CUP-3-17 for Applicant. The LCC issued a written notice of decision conditionally granting the permit application. However, there is no indication in the record that the LCC adopted the Findings and Conclusions recommended by County Conservationist Frank as part of final decision. **(Certified Record pgs. 345-46, 349-350)**

10. The LCC did condition its approval of the applicant’s permit on the following:

- “1. Prior to the start of construction activities a Livestock Waste Management Permit must be obtained from the County Land Conservation Department.
2. Prior to obtaining a Livestock Waste Management Permit parcels need to be in common ownership to resolve a property line setback.
3. Owner must obtain all required WI DNR permits including erosion control.
4. Owner must obtain and/or maintain all required WI DNR permits, including WPDES.
5. Owner must obtain all required Town of Almon permits.
6. Up to 13,000 animal units are approved as detailed in the submitted ATCP 51 Livestock Facility Siting application.
7. Expansion includes all facilities as detailed in the submitted ATCP 51 Livestock Facility Siting application.
8. New or substantially altered waste storage facilities and waste transfer systems must comply with USDA-NRCS Technical Guide Standards. Approved engineering designs must be submitted prior to issuing a Livestock Waste Management Permit.” **(Certified Record pgs. 345-46)**

## CONCLUSIONS OF LAW

1. The standards to be applied in this matter are those in Wis. Stat. § 93.90 and Wis. Admin. Code ch. ATPC 51, and the LFSRB does not have the authority to consider any challenges based upon constitutional considerations.
2. Pursuant to Wis. Stat. § 93.90(3) (a), the County's ordinance for livestock siting should only regulate the permitting of a new or expanding livestock facility. To the extent the ordinance deals with separate waste storage permitting, particularly tying it to the livestock siting permit, the permit violates state statute. The County has the ability to separate these permitting processes into two separate ordinances that are in accordance with state statutes and rules.
3. The County violated the provisions of Wis. Stat. § 93.90(4), and its own ordinance, in granting the Applicant's CUP as follows:
  - a. The County did not issue a final decision with "written findings of fact supported by the evidence in the record," as required by Section 3.0 of the LWMO. The County's Conservationist issued a written report with Findings, Conclusions and Recommendations that were not incorporated into the written decision to approve the permit.
  - b. The roles undertaken by the LCC and County Conservationist in conducting the public hearing and issuing the permit do not comport with the procedures outlined in the ordinance. The Conservationist issued the notice of hearing as the presiding officer (pg. 300) but had no apparent role in the public hearing or the issuance of the permit (pg. 344-45). These two functions were assumed by the LCC even though the County's LWMO does not contemplate a role for the LCC in these areas but instead casts the LCC as the authority to hear appeals from permit decisions.
  - c. The permit decision imposed conditions beyond the scope of the ordinance, which explicitly precludes the imposition of conditions that are not related to standards in the ordinance. For instance, the ordinance has no requirements to secure DNR erosion control permits and local permits.
4. Although the Aggrieved Persons requested that the LFSRB require the County to use all of the time allowed in Wis. Stat. § 93.90(4) and the LWMO for its decision making process, the statute does not make such a requirement and the County's accelerated process did give the required notice provisions and followed the required time for the decision.
5. In granting the permit, the County's use of a procedure, to gain the Town's recommendation on whether the County should issue the CUP to the Applicant, did not violate the provisions of Wis. Stat. § 93.90(2) and (4), as the Town's role was advisory only, did not delay the County's decision-making process, and the Town did not request any conditions that were then attached to the CUP.
6. The LFSRB does not have the authority, pursuant to Wis. Stat. § 93.90, to hear the challenges concerning the Town's procedure in giving its recommendation to the County. The LFSRB only has authority over the decisions of the local political subdivision that has the livestock siting ordinance and makes a decision to grant or deny a CUP, in this case the County.
7. Pursuant to Wis. Stat. § 93.90(2) (a), (4) (d), and (5) (b) and Wis. Admin. Code § ATPC 51.20(3) (a), the challenge based on the County's failure to uphold the aggrieved persons' challenge that the WPDES violations were proof of a violation of Wis. Admin. Code § ATPC 51.34 is not valid. There was not clear and convincing evidence in the record to support a finding that the Applicant had a significant discharge of leachate or polluted



runoff from livestock structures to waters of the state, such that the CUP should not have been granted to the Applicant.

8. Pursuant to *Adams v. State of Wisconsin Livestock Facilities Siting Review Board*, 2012 WI 85, the Wisconsin Supreme Court affirmed that the LFSRB has the authority to review the individual conditions the County attached to the CUP granted to the Applicant.

9. In attaching Condition #1 stating “Prior to the start of construction activities a Livestock Waste Management Permit must be obtained from the County Land Conservation Department.”, the County exceeded its authority in Wis. Stat. § 93.90(3) (ae) and incorrectly applied the state standards, pursuant to Wis. Stat. § 93.90(2) (a), in Wis. Admin. Code § ATPC 51.18

10. Condition #2, stating “Prior to obtaining a Livestock Waste Management Permit parcels need to be in common ownership to resolve a property line setback.”, should not be a condition of the livestock siting permit. This issue was required to be resolved before the application was determined to be complete, pursuant to Wis. Stat. § 93.90(4) (a). The County was required to inform the Applicant that this issue needed to be resolved, in writing, and the resolution given to the County before it could determine application complete. Approving the CUP with a condition requiring proof of compliance in the future, instead of requiring this information before making the application completeness determination, violates Wis. Stat. § 93.90(4) (a).

11. In attaching Condition #3 stating “Owner must obtain all required WI DNR permits including erosion control.”, the County exceeded its authority in Wis. Stat. § 93.90(3) (ae) and incorrectly applied the state standards, pursuant to Wis. Stat. § 93.90(2) (a), in Wis. Admin. Code ch. ATPC 51. Under the state-approved siting application, an applicant is only required to acknowledge this and other requirements and local approval cannot be based on these laws.

12. In attaching Condition #4 stating “Owner must obtain and/or maintain all required WI DNR permits, including WPDES.”, the County exceeded its authority in Wis. Stat. § 93.90(3) (ae) and incorrectly applied the state standards, pursuant to Wis. Stat. § 93.90(2) (a), in Wis. Admin. Code ch. ATPC 51. The County cannot enforce Section 3.4 A. of the LWMO which requires that this condition be imposed (pg. 360).

13. In attaching Condition #5 stating “Owner must obtain all required Town of Almon permits.”, the County exceeded its authority in Wis. Stat. § 93.90(3) (ae) and incorrectly applied the state standards, pursuant to Wis. Stat. § 93.90(2) (a), in Wis. Admin. Code ch. ATPC 51.

14. Condition #6, stating “Up to 13,000 animal units are approved as detailed in the submitted ATPC 51 Livestock Facility Siting application.” and Condition #7, “Expansion includes all facilities as detailed in the submitted ATPC 51 Livestock Facility.”, should not be stated as conditions of the CUP, because these are necessary components of an approved application

15. The information needed to resolve Condition #8, “New or substantially altered waste storage facilities and waste transfer systems must comply with USDA-NRCS Technical Guide Standards. Approved engineering designs must be submitted prior to issuing a Livestock Waste Management Permit.”, should have been included with the application, before the County could correctly determine the application was complete, pursuant to Wis. Stat. § 93.90(4) (a). The County was required to inform the Applicant to submit this information, in writing, to the County before it could determine application complete. Approving the CUP with a condition requiring this proof of compliance in the future, instead of requiring this information before making the application completeness determination, violates Wis. Stat. § 93.90(4) (a).

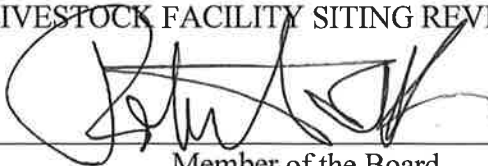
## ORDER

NOW, THEREFORE, IT IS ORDERED, pursuant to s. 93.90(5) (d), Stats.

1. Shawano County's July 13, 2017, grant of a conditional use permit to Matsche Farms, Inc., for expanding its operation to a 13,000 animal unit livestock facility, is reversed.
2. The County's livestock siting ordinance shall only have provisions that comport with Wis. Stat. § 93.90 and the state standards in Wis. Admin. Code ch. ATPC 51.
3. The County, when making a decision to approve or deny a CUP for a new or expanding livestock facility, shall follow the provisions of its ordinance adopted pursuant to Wis. Stat. § 93.90, as the procedures required by the ordinance in making its determination.
4. Condition #1 stating "Prior to the start of construction activities a Livestock Waste Management Permit must be obtained from the County Land Conservation Department.", is reversed.
5. Condition #2, stating "Prior to obtaining a Livestock Waste Management Permit parcels need to be in common ownership to resolve a property line setback." is reversed as a condition of the CUP granted to applicant, but is an issue that needs to be resolved and that resolution placed in the application before the County may determine the application is complete.
6. Condition #3, stating "Owner must obtain all required WI DNR permits including erosion control.", is reversed.
7. Condition #4, stating "Owner must obtain and/or maintain all required WI DNR permits, including WPDES.", is reversed.
8. Condition #5, stating "Owner must obtain all required Town of Almon permits.", is reversed.
9. Conditions #6 and #7 are not true conditions but, to the extent placing them as conditions of the CUP are confusing to the Applicant and public, the County should consider not having the actual terms of the CUP stated as "conditions."
10. Condition # 8, stating "New or substantially altered waste storage facilities and waste transfer systems must comply with USDA-NRCS Technical Guide Standards. Approved engineering designs must be submitted prior to issuing a Livestock Waste Management Permit.", is reversed as a condition of the CUP granted to applicant, but is an issue that needs to be resolved and that resolution placed in the application before the County may determine the application is complete.

Dated this 15 day of November, 2017.

ON BEHALF OF THE STATE OF WISCONSIN  
LIVESTOCK FACILITY SITING REVIEW BOARD

  
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Member of the Board